

SHUMAKER & SIEFFERT, P.A.
1625 RADIO DRIVE, SUITE 300
WOODBURY, MINNESOTA 55125
TEL 651.735-1100
FAX 651.735-1102
WWW.SSIPLAW.COM

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FACSIMILE TRANSMITTAL SHEET

TO:	Mail Stop Amendment Examiner Anuradha Ratmana	FROM:	Kari H. Baringale
COMPANY:	U.S. Patent & Trademark Office	DATE:	APRIL 10, 2007
FAX NUMBER:	571-273-8300	TOTAL NO. OF PAGES INCLUDING COVER:	4
PHONE NUMBER:	571-272-4718	SENDER'S REFERENCE NUMBER:	1066-004US01
RE:	Response to Office Action dated February 2, 2007	YOUR REFERENCE NUMBER:	09/733,302

☐ URGENT ☒ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY

NOTES/COMMENTS:

PATENTIN THE UNITED STATES PATENT AND TRADEMARK OFFICERECEIVED
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Applicant: Steven R. Cohen; Ralph E. Confirmation No. 2992
Holmes; J. Peter Amis;
Horst R. Fichtner; Stefan
M. Lemperle

Serial No.: 09/733,302

Filed: December 8, 2000 Customer No.: 28863

Examiner: Anuradha Ramana

Group Art Unit: 3733

Docket No.: 1066-004US01

Title: PARTIALLY RESORBABLE CONNECTIVE TISSUE DISTRACTION
DEVICES AND TECHNIQUES

CERTIFICATE UNDER 37 CFR 1.8 I hereby certify that this correspondence is being transmitted
via facsimile to the United States Patent and Trademark Office on April 10, 2007

By: 

Name: Karen Sorensen

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Office Action mailed February 2, 2007, the period of response for which runs through May 2, 2007, we are transmitting herewith the attached correspondence relating to this application:

- ☒ Transmittal sheet containing Certificate of Facsimile
☒ Terminal Disclaimer (2 pgs.)

Please apply any charges not covered, or any credits, to Deposit Account No. 50-1778.

Date: April 10, 2007By: 

Name: Kari H. Bartingale

Reg. No.: 35,183

SHUMAKER & SIEFFERT, P.A.
1625 Radio Drive, Suite 300
Woodbury, Minnesota 55125
Telephone: 651.735.1100
Facsimile: 651.735.1102

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Commissioner for Patents
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER

Dear Sir:

The owner of record, Medtronic MacroPore, Inc., of a 100 percent interest in the above-identified application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the term of any patent granted on copending U.S. Application Serial No. 10/920,505 and U.S. Patent No. 6,786,910. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors and/or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims

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cancelled by a reexamination certification, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned is an attorney of record.

Date:

April 10, 2007

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Woodbury, Minnesota 55125
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